

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROAD-CON, INC., et al.	:	CIVIL ACTION
	:	
v.	:	No. 19-1667
	:	
THE CITY OF PHILADELPHIA, et al.	:	

ORDER

AND NOW, this 14th day of December, 2022, upon consideration of the Motions for Summary Judgment filed by Plaintiffs (Document 74), Defendants the City of Philadelphia and Mayor James Kenney (“the City”) (Document 79), and Intervenor-Defendants Mechanical Contractors Association of Eastern Pennsylvania, Inc. and National Electrical Contractors Association, Penn-Del-Jersey Chapter (“the Associations”) (Document 77), the briefing on the Motions, and the parties’ oral arguments on September 13, 2022, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED the Motions are GRANTED in part and DENIED in part as follows.

- Plaintiffs’ Motion for Summary Judgment is DENIED as to their First Amendment claim, their § 1981 claim, their competitive bidding law claim challenging the City’s Executive Orders, and their City Charter claim. Plaintiffs’ Motion is further DENIED as to their Equal Protection claim insofar as they brought this claim on behalf of the United Steelworkers.
- The City and the Associations’ Motions for Summary Judgment are correspondingly GRANTED as to Plaintiffs’ First Amendment claim, the § 1981 claim, the competitive bidding law claim challenging the City’s Executive Orders, the City Charter claim, and the Equal Protection claim on behalf of the United Steelworkers.

- Plaintiffs' Motion for Summary Judgment is GRANTED as to their competitive bidding law claim challenging the Project Labor Agreements for the 15th Street Bridge Project and PNE Runway Project insofar as Plaintiffs seek declaratory relief. Plaintiffs' request for a permanent injunction is DENIED.
- The City and the Associations' Motions for Summary Judgment are correspondingly DENIED as to the competitive bidding law claim challenging the aforementioned Project Labor Agreements.
- Plaintiffs, the City, and the Associations' Motions for Summary Judgment are DENIED without prejudice as to Plaintiffs' Equal Protection claim insofar as Plaintiffs assert a violation of their own Equal Protection rights.

It is further ORDERED all Parties shall submit supplemental briefs on the remaining Equal Protection claim addressing the issues identified by the Court in the accompanying Memorandum.¹ The Parties shall submit supplemental briefs of no more than 15 pages on or before December 28, 2022.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.

¹ As explained in note 2 of the accompanying Memorandum, the parties must analyze the Equal Protection claim under strict and intermediate scrutiny. The Court will consider all prior arguments on this claim in its final ruling, and instructs the parties to limit additional argument accordingly.